

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JAN 26 2007


CLERK

UNITED STATES OF AMERICA,

Case Number 07-03

Plaintiff,

AFFIDAVIT (REDACTED)

vs.

DAVID BOSCHEE,

Defendant.

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

I, Michelle L. Behan, being first duly sworn, depose and state as follows:

1. I have been an agent of the Federal Bureau of Investigation for approximately one year, and have been assigned to investigate the above-captioned case.
2. My investigation concerns an individual who traveled interstate for the purpose and with the intent to engage in sexual conduct with a juvenile. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe the above-mentioned defendant has committed a federal crime.
3. As part of my duties as a Special Agent with the FBI, I have been assigned to the investigation of the alleged interstate travel of David Boschree, a 38-year-old male, from Bismarck, North Dakota to Sioux Falls, South Dakota, with the intent of engaging in sexual contact with [REDACTED], a 15-year-old female minor.

4. On January 25, 2007, I was informed by Detective Andrea Kelly of the Sioux Falls Police Department that Boschee and [REDACTED] met over the Internet. Both Boschee and [REDACTED] have Myspace.com profiles. I have observed the profile page posted by [REDACTED], where she provides a date of birth of 03/11/1991. Boschee engaged [REDACTED] in conversation via e-mail and instant message "chat." Some of the conversations were sado-masochistic in nature.

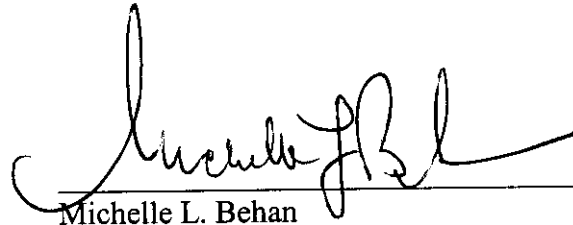
5. I am further informed by Detective Kelly that in the course of these on-line conversations, [REDACTED] and Boschee planned a meeting in Sioux Falls for the purpose of engaging in sexual conduct. A week prior to Boschee's arrival, [REDACTED] told him she had changed her mind about having sex. Boschee made the trip anyway, and [REDACTED] advised that when she arrived at the motel, Boschee had already "set up" sado-masochistic restraints.

6. A receipt from the Super 8 Motel, 4100 West 41st Street, Sioux Falls, South Dakota indicates that David Boschee of Bismarck, North Dakota rented a room from September 29, 2006 to October 1, 2006. Boschee paid for the room with a credit card.

7. Interviews of independent witnesses conducted by the Sioux Falls Police Department confirm Boschee's presence in South Dakota, and place him and [REDACTED] at the Super 8 Motel during the time period mentioned above.

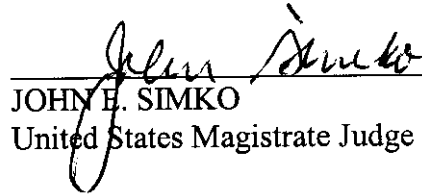
8. [REDACTED]'s statement to the Sioux Falls Police Department confirmed that she had sexual intercourse with David Boschee and other sexual contact with him, including sado-masochistic abuse.

9. Therefore, I believe there is probable cause to suspect that David Boschee traveled interstate with the intent to engage in sexual conduct with a minor, in violation of 18 U.S.C. § 2423(b) (travel with intent to engage in sexual conduct with a juvenile).

A handwritten signature in black ink, appearing to read "Michelle L. Behan", written over a horizontal line.

Michelle L. Behan
Special Agent, Federal Bureau of Investigation

Subscribed and sworn to before me at Sioux Falls, SD, this 26th day of January, 2007.

A handwritten signature in black ink, appearing to read "John E. Simko", written over a horizontal line.

JOHN E. SIMKO
United States Magistrate Judge